



Order Filed on April 21, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

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In re:

Gary L. Smiley

Debtor.

Chapter 13

Case No. 16-32030-JNP

Hearing Date: April 20, 2021

Judge Jerrold N. Poslusny Jr.

CONSENT ORDER RESOLVING CERTIFICATION OF DEFAULT

The relief set forth on the following pages is hereby **ORDERED**.

DATED: April 21, 2021

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Debtor: Gary L. Smiley
Case No.: 16-32030-JNP
Caption of Order: **CONSENT ORDER RESOLVING CERTIFICATION OF
DEFAULT**

THIS MATTER having been opened to the Court upon the Certification of Default (“COD”) filed by Harley-Davidson (“Creditor”), whereas the total post-petition arrearage as of April 19, 2021 was \$4,165.04 and whereas the Debtor and Creditor seek to resolve the COD, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **2013 Harley-Davidson FXDWG-103 DYNA WIDE GLIDE, VIN: 1HD1GPM18DC301484** (“Property”) provided that the Debtor complies with the following:

- a. On or before April 23, 2021, the Debtor shall remit a lump sum payment in the amount of **\$4,165.04** directly to Creditor;
- b. The Debtor shall thereafter resume making the regular contractual payments directly to the Creditor as each becomes due and continuing thereon per the terms of the underlying contract.

2. All payments due hereunder shall be sent directly to Creditor at the following address: **Harley-Davidson Credit Corp., Dept 15129, Palatine, Illinois 60055-5129.**

3. The Debtor will be in default under the Consent Order in the event that the Debtor fails to comply with the payment terms and conditions set forth in above paragraphs and/or if the Debtor fails to make any payment due to Creditor under the Chapter 13 Plan.

4. In the event that the lump sum payment described in Paragraph 1(a) is not received on or before April 23, 2021, the automatic stay under section 362 of the Bankruptcy Code shall be deemed terminated as to Creditor’s interest in the above Property by entry of this Order.

5. If the automatic stay is not already terminated as described herein and the Debtor fails to cure the default in the remaining contractual payments within thirty (30) days from the date of default, pursuant to Local Rule 9013-4(e), Creditor may submit an order lifting the automatic stay imposed under 11 U.S.C. § 362(a) permitting Creditor to exercise any rights under the loan documents with respect to the Property.

6. Creditor is awarded reimbursement of attorney fees in the amount of \$250.00 to be paid through the Chapter 13 Plan.

STIPULATED AND AGREED:

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